

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KEVIN GIBBONS
and JOHN CONTE
Plaintiffs,

v.

Civil Action No. 04-10453-RWZ

CHAMPION WINDOW COMPANY
OF BOSTON SOUTH, LLC,
Defendant.

I AND
STIPULATION OF VOLUNTARY DISMISSAL
OF COUNT II OF THE AMENDED COMPLAINT *10/12*

Count I and
Pursuant to Federal Rule of Civil Procedure 41(a)(1), the parties in this action hereby stipulate that Count II of the Plaintiff's Amended Complaint, alleging overtime violations under the Fair Labor Standards Act, is voluntarily dismissed with prejudice.

Respectfully submitted,

Respectfully submitted,

KEVIN GIBBONS and JOHN CONTE

CHAMPION WINDOW COMPANY
OF BOSTON SOUTH, LLC

By their attorney,

By their attorney,

Kevin B. Callanan

Kevin B. Callanan (BBO # 070620)
Law Office of Kevin B. Callanan
17 Accord Park Drive, Suite 101
Norwell, MA 02061
781-878-1604

Adam J. Brodsky

Adam J. Brodsky (BBO #548018)
72 Sharp Street, Unit A9
Hingham, MA 02043
781-340-6900

Dated: January 12, 2005